



there is no need for the Court to authorize any alternative means for service. Further, Plaintiff agrees that its Motion is now moot and should be withdrawn, including having filed a second pending motion seeking to withdraw its Motion. ECF No. 9.

Upon learning that Plaintiff had filed its Motion, NEC's outside counsel reached out to Plaintiff's outside counsel to discuss that Motion and service of process. (*See generally* Ex. 2 (correspondence between counsel).) NEC's counsel stated that NEC was willing to waive service. (*See id.* at 5–6.) Plaintiff's counsel responded, agreeing that if NEC waives service of process, then Plaintiff's Motion would be moot and would be withdrawn:

Thanks for reaching out. We would agree to withdraw our motions for alternative service upon receiving the signed waivers from NEC in these 5 actions -- we agree that the motions would become mooted.

(*See id.* at 5) NEC has now executed the waiver and provided it to Plaintiff's counsel, fulfilling the condition mooted Plaintiff's Motion. (*See id.* at 1; *see also* Ex. 1, filed at ECF No. 10.) NEC therefore respectfully requests that the Court deny Plaintiff's Motion.<sup>3</sup>

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<sup>3</sup> NEC also disputes the substance of Plaintiff's Motion and its arguments about why alternative service should be permitted. Nonetheless, in light of the parties' agreement that Plaintiff's Motion is now moot and Plaintiff's motion to withdraw its Motion, ECF No. 9, NEC does not address the substance of Plaintiff's Motion in this Opposition.

DATED: December 10, 2020

Respectfully submitted,

/s/ Hilda C. Galvan

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic services on December 10, 2020. Local Rule CV-5(b)(1).

/s/ Hilda C. Galvan